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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 STATE OF WASHINGTON, *et al.*,

12 Plaintiffs,

13 v.

14 UNITED STATES DEPARTMENT OF
15 THE NAVY, *et al.*,

16 Defendants.

17 CASE NO. 2:19-cv-01059 RAJ-JRC

18 SCHEDULING ORDER

19 The District Court has referred these cases, consolidated under cause number 2:19-cv-
20 1059, to the undersigned. *See* Dkt. 19. The matter is before the Court on the parties' proposed
21 scheduling orders. *See* Dkt. 18; *see also* Dkts. 19, 20, No. 2:19-cv-01062-RAJ-JRC.

22 Having considered the parties' submissions and the balance of the record, the
23 undersigned directs the parties to comply with the following preliminary deadlines in this matter:

24 (1) Defendants shall file one (1) Administrative Record ("AR") in this matter.

25 (2) All defendants shall confer and decide upon a draft index and copies of the
26 documents that defendants propose to include in the AR (the "proposed AR"). Defendants shall
27 provide this proposed AR to plaintiffs on or before **January 3, 2020**.

(3) On or before **January 17, 2020**, all parties shall meet and confer regarding the proposed AR and shall attempt to address any disputes concerning the proposed AR's completeness or sufficiency.

(4) On or before **January 31, 2020**, defendants shall file the certified AR with the Court.

(5) On or before **February 28, 2020**, plaintiffs shall file any appropriate motions that they intend to file regarding the completeness or sufficiency of the AR. If plaintiffs file such a motion, defendants shall file their response on or before **March 20, 2020**, and plaintiffs may file a reply in support of their motion on or before **March 30, 2020**.

The Court notes plaintiff Citizens of the Ebey's Reserve ("plaintiff Citizens") and plaintiff Spina's concern that they will not be able to bring motions regarding the AR's completeness if they realize that there are deficiencies in the certified AR after reviewing defendants' summary judgment briefing. *See* Dkt. 19, at 2, Case No. 2:19-cv-1062-RAJ-JRC. Plaintiffs shall review the proposed AR and shall make any challenges to the proposed AR's completeness or sufficiency on or before February 28, 2020, as outlined above. The Court will consider motions to supplement the certified AR brought after this deadline, but only if good cause is shown for the moving party's failure to make challenges in a timely manner.

(6) On or before **March 30, 2020**, the parties shall meet and agree, to the extent possible, on a schedule for filing and briefing any summary judgment motions that they intend to file. The parties shall provide the Court with their proposed joint schedule on or before **April 6, 2020**.

The Court notes that plaintiffs Citizens and Spina and defendants disagree over whether summary judgment briefing should be concurrent or consecutive and whether plaintiffs'

1 Endangered Species Act claims should be briefed separately. *See* Dkt. 19, at 2–4, Case No.
2 2:19-cv-01062-RAJ-JRC. When the parties meet regarding a proposed joint summary judgment
3 schedule in the consolidated case, they should endeavor to resolve these issues in a mutually
4 agreeable manner.

5 The parties shall refer to Judge Jones' webpage and the Court's local rules concerning
6 matters including the meet-and-confer requirement before filing motions and the procedure for
7 courtesy copies of the Administrative Record.

8 Dated this 4th day of November, 2019.

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11 J. Richard Creatura
12 United States Magistrate Judge
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